

JON BLONDELL, PAUL  
HARRINGTON, TIMOTHY  
JOHNSON, STEPHANIE LOWE,  
F/K/A STEPHANIE MARIE,  
CHASTITY MARIE, AND CLAYTON  
PRITCHARD, INDIVIDUALLY AND  
ON BEHALF OF A CLASS OF  
SIMILARLY SITUATED PERSONS,

CIVIL ACTION NO. 1:17-cv-00372 RRM-RML

BRUCE BOUTON, DUNCAN  
CRABTREE-IRELAND, AUGUSTINO  
GAGLIARDI, RAYMOND M. HAIR,  
JR., JON JOYCE, AND STEFANIE  
TAUB,

Defendants.

## 1. PURPOSE

## 2. COOPERATION

**STIPULATED ORDER GOVERNING DISCOVERY OF ELECTRONICALLY STORED INFORMATION – Page 1**

places on cooperation. The parties commit to cooperate in good faith throughout the matter consistent with the Federal Rules of Civil Procedure and any other applicable orders and rules.

**3. PRESERVATION**

The parties have discussed their preservation obligations and needs and agree that preservation of potentially relevant ESI will be reasonable and proportionate.

**4. SEARCH PROTOCOL**

The Parties agree to meet and confer concerning search methodologies, including without limitation, the use of keyword search terms and/or the use of technology assisted review. If any Party to this litigation chooses to use keyword search terms to collect or cull documents for production in this litigation, the Parties shall meet and confer regarding the protocol to be used for the application and testing of search terms.

**5. PRODUCTION FORMATS**

The parties agree to produce documents in accordance with this ESI Protocol and in the following format(s) and manner:

- (a) E-mails, word processing, text documents, JPG, BMP, PNG (and other similar images files), PDFs, and other non-media files with certain exceptions specified in
- (b) and (c) below: PDF format with standard Concordance style load file (DAT/OPT), including all track changes and redlines, and the following metadata fields, where applicable: (1) file path; (2) file name; (3) date of creation; (4) date of last modification; (5) name of parent email message; (6) names of respective child email attachments; (7) custodian; (8) sent date of an email; (9) received date of an email; (10) subject line of an email; (11) “to” field of an email; (12) “from” field of an email; (13) “cc” field of an email; (14) “bcc” field of an email; and (15) file, size, with the metadata native to the original electronic document extracted and

produced in a load file. These documents should also be produced with all document families (parent email messages and their respective child email messages) appropriately grouped together so as to preserve the original document family relationship. These documents should also contain secondary metadata sufficient to reconstruct all document family relationships, such as parent email messages and their respective child email messages, including Bates numbers and family Bates numbers.

- (b) Spreadsheets shall be produced in native format, including the metadata fields listed in paragraph (a) above, unless the file contains information that needs to be redacted, in which case it will be produced as a PDF image (300 DPI or better).
- (c) PPT files or other presentation files should be produced in native format, including the metadata fields listed in paragraph (a) above, unless the file contains information that needs to be redacted, in which case it will be produced as a PDF image (300 DPI or better).

All documents shall be Bates stamped, with the exception of files produced in native format. For native files, a placeholder PDF should be created and assigned a Bates number, and native files should be named to match the Bates number of the placeholder.

If particular documents warrant a different format, the parties will cooperate to arrange for the mutually acceptable production of such documents.

The parties also recognize that in some instances where documents have been produced in a form other than native, subsequent production of the same documents in native form may be warranted for certain purposes.

The parties agree not to degrade the searchability of documents as part of the document production process.

**6. DE-DUPLICATION**

The parties agree to produce documents that have been de-duplicated globally, meaning one copy per family across custodians. The producing party will identify additional custodians and file paths and file names in the “Duplicate Custodian,” “Duplicate Path,” and “Duplicate Filename” metadata fields.

**7. AUTHENTICITY**

A document produced in this litigation shall be presumed to be authentic if offered as evidence against the party that produced it unless the party (a) gave notice at the time of production that the authenticity of the document may be challenged, including the reasons for such a challenge; (b) shows good cause for its failure to give such notice at the time of production; or (c) such document was not created, compiled, or generated by that party, its systems, or its employees, nor relied upon or used by that party in the usual course of business.

**8. PRIORITIZING**

When a party propounds discovery requests pursuant to Fed. R. Civ. P. 34, the parties agree to meet and confer regarding the phasing of production of ESI, if necessary and appropriate, by prioritizing selected sources and/or custodians.

**9. MODIFICATION**

This Stipulated Order may be modified by a Stipulated Order of the parties or by the Court for good cause shown.

**IT IS SO STIPULATED**, through Counsel of Record.

DATED: August 3, 2017

Respectfully submitted,

/s/ Roger L. Mandel

Roger L. Mandel  
Texas Bar No. 12891750  
[rlm@lhlaw.net](mailto:rlm@lhlaw.net)  
Bruce E. Bagelman  
Texas Bar No. 01509700  
[beb@lhlaw.net](mailto:beb@lhlaw.net)

LACKEY HERSHMAN, L.L.P.  
3102 Oak Lawn Avenue, Suite 777  
Dallas, Texas 75219-4259  
Telephone: (214) 560-2201  
Telecopier: (214) 560-2203

-and-

Kieran M. Corcoran  
New York Bar No. 2699015  
[kmc@lhlaw.net](mailto:kmc@lhlaw.net)

LACKEY HERSHMAN, L.L.P.  
1325 Avenue of the Americas  
27th Floor  
New York, NY 10019  
(t) (212) 763-8491  
(f) (212) 763-8304

-and-

Eric Zukoski  
Texas Bar No. 24010509  
[ezukoski@qslwm.com](mailto:ezukoski@qslwm.com)  
Jim Birch  
Texas Bar No. 00797991  
[jbirch@qslwm.com](mailto:jbirch@qslwm.com)  
QUILLING, SELANDER, LOWNDS,  
WINSLETT AND MOSER, P.C.  
2001 Bryan Street, Suite 1800  
Dallas, Texas 75201  
(214) 871-2100  
(214) 871-2111 (facsimile)

*Attorneys for Plaintiffs*

DATED: August 3, 2017

Respectfully submitted,

/s/ Jared O. Freedman

Jared O. Freedman (pro hac vice)

Devi M. Rao (pro hac vice)

drao@jenner.com

[jfreedman@jenner.com](mailto:jfreedman@jenner.com)

**JENNER & BLOCK LLP**

1099 New York Avenue N.W.

Suite 900

Washington, D.C. 20001

Phone: 202-639-6000

Fax: 202-661-4846

*Attorneys for Defendants*

**ATTESTATION**

I hereby attest that each of the other signatories concurs in the filing of this document.

DATED: August 3, 2017

Respectfully submitted,

/s/ Roger L. Mandel

Roger L. Mandel

Texas Bar No. 12891750

[rlm@lhlaw.net](mailto:rlm@lhlaw.net)

Bruce E. Bagelman

Texas Bar No. 01509700

[beb@lhlaw.net](mailto:beb@lhlaw.net)

LACKEY HERSHMAN, L.L.P.

3102 Oak Lawn Avenue, Suite 777

Dallas, Texas 75219-4259

Telephone: (214) 560-2201

Telecopier: (214) 560-2203

*Attorneys for Plaintiffs*

**IT IS SO ORDERED** that the foregoing Stipulated Order Governing Discovery of Electronically Stored Information is approved.

DATED: August \_\_\_\_, 2017

\_\_\_\_\_  
United States Magistrate Judge